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Attorneys for Defendant

COSTCO WHOLESALE CORPORATION

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF HAWAII

TIHANI KALAAUKAHI,

Plaintiff,

vs.

COSTCO WHOLESALE
CORPORATION; JOHN DOES 1-10;
JANE DOES 1-10; DOE
PARTNERSHIPS 1-10; DOE
CORPORATIONS 1-10; and DOE
GOVERNMENT ENTITIES 1-10,

Defendants.

CIVIL NO. 1:20-cv-559
(Non-Vehicle Tort)

NOTICE OF REMOVAL; EXHIBIT
“A”; CERTIFICATE OF SERVICE

TRIAL DATE: None
JUDGE:

874-34/Ntc Removal to USDC.nko.rkh

NOTICE OF REMOVAL

Defendant COSTCO WHOLESALE CORPORATION (“Costco”) gives
notice, pursuant to 28 U.S.C. §§1441 and 1446, of the removal of this case from

the Circuit Court of the First Circuit, State of Hawai‘i, to the United States District Court for the District of Hawai‘i. The removal is grounded upon the following facts:

1. A civil lawsuit (the “Action”) has been commenced and is currently pending against Costco and various Doe Defendants in the Circuit Court of the First Circuit, State of Hawaii, Civil No. 1CCV-20-0001168 (GWBC), entitled ***Tihani Kalaaukahī vs. Costco Wholesale Corporation, et al.***

2. The initial pleading in the Action was Plaintiff’s Complaint filed on August 24, 2020. The Complaint was served upon Costco on November 17, 2020. This notice of removal is filed within 30 days after said service. A true and correct copy of the Complaint is attached hereto as Exhibit “A”. Exhibit “A” constitutes all of the process, pleadings and orders served upon Costco to date.

3. Plaintiff claims to be a resident and citizen of the state of Hawaii. Costco is a Washington corporation with a statutory home office, and its principal place of business is located at 999 Lake Drive, Issaquah, WA 98027.

4. Plaintiff’s counsel has advised that Plaintiff was nine-months pregnant at the time of the slip-and-fall Incident and sustained a back injury.

5. Upon information and belief, based upon the circumstances of the Incident and the nature of Plaintiff’s injuries and damages as related by her counsel, the amount in controversy in the Action exceeds \$75,000.00, exclusive of interest and costs.

6. Based upon the foregoing, the Court has original jurisdiction over the Action under the provisions of 28 U.S.C. § 1332(a)(1) because there is complete diversity of citizenship between the Plaintiff and Defendant, and the amount in controversy exceeds \$75,000.00, exclusive of interest and costs.

7. The Action is removable pursuant to 28 U.S.C. §§ 1441 (b).

8. A copy of this notice of removal will be served upon all adverse parties.

9. A copy of this notice of removal will be filed with the Circuit Court of the First Circuit, State of Hawaii, pursuant to 28 U.S.C. §1446(d), promptly after the filing of this notice of removal.

Defendant reserves, and does not waive, its objections to jurisdiction and venue and any applicable affirmative defenses under Haw.R.Civ.P. 12 and/or Fed.R.Civ.P. 12.

DATED: Honolulu, Hawai'i, December 17, 2020.

/s/ Norman K. Odani
ARTHUR F. ROECA
NORMAN K. ODANI
Attorneys for Defendant
COSTCO WHOLESALE CORPORATION

GLENN T. HONDA, # 6046
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FIRST CIRCUIT
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24-AUG-2020
11:23 AM

Attorney for Plaintiff
TIHANI KALAAUKAHI

IN THE CIRCUIT COURT OF THE FIRST CIRCUIT

STATE OF HAWAII

TIHANI KALAAUKAHI,

Plaintiff,

vs.

COSTCO WHOLESALE CORPORATION;
JOHN DOES 1-10; JANE DOES 1-10;
DOE PARTNERSHIPS 1-10; DOE
CORPORATIONS 1-10; and
DOE GOVERNMENT ENTITIES 1-10,

Defendants.

CIVIL NO. _____
(Non-Vehicle Tort)

COMPLAINT; SUMMONS

COMPLAINT

Comes now Plaintiff TIHANI KALAAUKAHI above named, by and through her attorney, Glenn T. Honda, and for causes of action against Defendants, alleges and avers as follows:

1. At all times material to this Complaint, Plaintiff TIHANI KALAAUKAHI ("Plaintiff" or "MS. KALAAUKAHI"), is and was a resident of the City and County of Honolulu, State of Hawai'i.

EXHIBIT "A"

2. At all times material to this Complaint, Defendant COSTCO WHOLESALE CORPORATION (“Defendant” or “COSTCO”) is and was a foreign for-profit corporation doing business in the State of Hawai‘i.

3. All events material to this Complaint occurred within the City and County of Honolulu, and within the jurisdiction of the Circuit Court of the First Circuit, State of Hawai‘i.

4. Plaintiff reviewed records of the Department of Commerce and Consumer Affairs in order to ascertain the true and full names and identities of all Defendants in this action, but has no further knowledge or information regarding the parties responsible and is unable to ascertain the identity of the Defendants in this action designated as JOHN DOES 1-10, JANE DOES 1-10, DOE PARTNERSHIPS 1-10, DOE CORPORATIONS 1-10 and DOE GOVERNMENT ENTITIES 1-10 (collectively “Doe Defendants”); said Defendants are sued hereunder under fictitious names for the reason that their true names and identities are unknown to Plaintiff except that they may be connected in some manner with Defendants and may be agents, servants, employees, employers, representatives, co-venturers, associates, or independent contractors of Defendants and/or were in some manner presently unknown to Plaintiff engaged in the activities alleged herein and/or were in some manner responsible for the injuries or damages to Plaintiff and their “true names, identities, capacities, activities, and/or responsibilities” are presently unknown to Plaintiff or her attorneys.

5. On or about August 30, 2018, MS. KALAAUKAHI was a customer at the COSTCO WHOLESALE located at 4589 Kapolei Parkway, Kapolei, Hawai‘i (the “STORE”)

6. On August 30, 2018, the STORE was under the control and/or within the possession of Defendant COSTCO.

7. As a possessor of land, Defendant COSTCO owes a duty of care to all persons which it should reasonably anticipate to be on its premises, such that said persons are not exposed to an unreasonable risk of harm.

8. On or about August 30, 2018, MS. KALAAUKAHI was a person whom COSTCO reasonably should have expected to be on its premises.

9. On or about August 30, 2018, Defendant COSTCO breached its duty of care by failing to properly design, clean, furnish, construct and/or maintain the walking surfaces and/or walking areas in the STORE, such that it thereby allowed said walking areas to pose an unreasonable risk of harm to its customers, including MS. KALAAUKAHI.

10. Defendant COSTCO WHOLESALE breach of its duty of care, as set forth herein constituted negligence.

11. As a result of Defendant COSTCO WHOLESALE's negligence, MS. KALAAUKAHI slipped and fell and was thereby injured, while in the STORE.

12. Because of the negligence of Defendant COSTCO WHOLESALE and/or that of one or more of the DOE DEFENDANTS, jointly and/or severally, MS. KALAAUKAHI, suffered serious bodily injury, severe pain and suffering, severe emotional distress, past and future loss wages, medical and/or rehabilitative expenses and/or special damages and amounts to be proven at trial.


WHEREFORE, Plaintiff herein demands judgment against Defendants as follows:

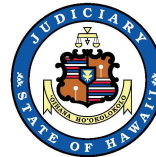
- A. General damages in amounts to be proven at the time of trial;
- B. Special damages in amounts which will be proved at trial;
- C. Attorney's fees, costs of suit, pre-judgment interest from the date of the accident, and such other and further relief as this Court deems just and proper.

DATED: Honolulu, Hawai'i, August 20, 2020

/s/ Glenn T. Honda
GLENN T. HONDA
Attorney for Plaintiff
TIHANI KALAAUKAHI

EXHIBIT "A"

STATE OF HAWAII CIRCUIT COURT OF THE FIRST CIRCUIT	SUMMONS TO ANSWER CIVIL COMPLAINT	CASE NUMBER
PLAINTIFF TIHANI KALAAUKAHI	VS.	DEFENDANT(S) COSTCO WHOLESALE CORPORATION; JOHN DOES 1-10; JANE DOES 1-10; DOE PARTNERSHIPS 1-10; DOE CORPORATIONS 1-10; and DOE GOVERNMENT ENTITIES 1-10,
PLAINTIFF'S NAME & ADDRESS, TEL. NO. TIHANI KALAAUKAHI c/o Glenn T. Honda Recovery Law Center 1260 Young Street, Suite 228 Honolulu, Hawaii 96814 Tel: (808) 597-8886		
<p>TO THE ABOVE-NAMED DEFENDANT(S)</p> <p>You are hereby summoned and required to file with the court and serve upon</p> <p><u>Glenn T. Honda, Recovery Law Center 1260 Young Street, Suite 228 Honolulu, Hawaii 96814</u> ,</p> <p>plaintiff's attorney, whose address is stated above, an answer to the complaint which is herewith served upon you, within 20 days after service of this summons upon you, exclusive of the date of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint.</p> <p>THIS SUMMONS SHALL NOT BE PERSONALLY DELIVERED BETWEEN 10:00 P.M. AND 6:00 A.M. ON PREMISES NOT OPEN TO THE GENERAL PUBLIC, UNLESS A JUDGE OF THE ABOVE-ENTITLED COURT PERMITS, IN WRITING ON THIS SUMMONS, PERSONAL DELIVERY DURING THOSE HOURS.</p> <p>A FAILURE TO OBEY THIS SUMMONS MAY RESULT IN AN ENTRY OF DEFAULT AND DEFAULT JUDGMENT AGAINST THE DISOBEYING PERSON OR PARTY.</p>		
The original document is filed in the Judiciary's electronic case management system which is accessible via eCourt Kokua at: http://www.courts.state.hi.us	Effective Date of 28-Oct-2019 Signed by: /s/ Patsy Nakamoto Clerk, 1st Circuit, State of Hawai'i	
<div style="display: flex; align-items: center;">  <div> <p>In accordance with the Americans with Disabilities Act, and other applicable state and federal laws, if you require a reasonable accommodation for a disability, please contact the ADA Coordinator at the Circuit Court Administration Office on OAHU- Phone No. 808-539-4400, TTY 808-539-4853, FAX 539-4402, at least ten (10) working days prior to your hearing or appointment date.</p> </div> </div>		



IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF HAWAII

TIHANI KALAAUKAHI,

Plaintiff,

vs.

COSTCO WHOLESALE
CORPORATION; ET AL.,

Defendants.

CIVIL NO. 1:20-cv-559
(Non-Vehicle Tort)

CERTIFICATE OF SERVICE

TRIAL DATE: None
JUDGE:

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing document was served by either hand-delivery; United States mail, first class postage prepaid; or electronically through CM/ECF ("CM/ECF") as indicated below, upon the following on December 17, 2020:

GLENN T. HONDA, ESQ.
Palm Wave Building
1260 Young Street, Suite 228
Honolulu, HI 96814
Attorney for Plaintiff
TIHANI KALAAUKAHI

U.S.
Mail

Hand
Delivery

CM/ECF
X

DATED: Honolulu, Hawai'i, December 17, 2020.

/s/ Norman K. Odani

ARTHUR F. ROECA

NORMAN K. ODANI

Attorneys for Defendant

COSTCO WHOLESALE CORPORATION